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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CM-9924-CWP-2023 in/and
CWP-25749-2019 (O&M)
Date of decision: 01.06.2023

Bir Singh (since deceased) through his LR's ...Petitioner(s)

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sudhir Rana, Advocate for the petitioner(s).

Ms. Rajni Gupta, Addl. A.G., Haryana
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

CM-9924-CWP-2023

1. This is an application filed under Section 151 of CPC for withdrawal of the main writ petition.

2. Learned counsel for the applicant(s)/petitioner(s) has submitted that the main case is now listed for 22.08.2023 and he wishes to withdraw the same with liberty to file an appeal as per provision of Section 53(3) of the Haryana Panchayati Raj Act, 1994 and thus, prays for allowing of the application and for the preponement of the main case from 22.08.2023 to today itself.

3. Learned State Counsel has submitted that she has no objection in case the present application is allowed and the date of hearing in the main case is preponed from 22.08.2023 to today itself for final disposal.

4. For the reasons stated in the application and in view of no

objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 22.08.2023 to today and the same is taken on Board today itself for final disposal.

Main case

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari for setting aside the order dated 17.04.2018 (Annexure P-1) passed by the Block Development and Panchayat Officer, while exercising the powers under Section 53(2) of the Haryana Panchayati Raj Act, 1994.
2. Learned counsel for the petitioner(s) has submitted that in the reply filed by the State, it is stated that the said order is appealable thus, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to file an appeal as per provision of Section 53(3) of the Haryana Panchayati Raj Act, 1994.
3. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.
4. In case, the said appeal is filed within a period of one month from today then the Appellate Authority would not dismiss the same solely on the ground of limitation.
5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

01.06.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No